

FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT COMPRISING CLASS 1 (RETAIL), CLASS 2 (FINANCIAL SERVICES), CLASS 3 (FOOD AND DRINK), CLASS 4 (BUSINESS USE), CLASS 7 (HOTELS), CLASS 10 (NON-RESIDENTIAL INSTITUTIONS), CLASS 11 (ASSEMBLY AND LEISURE), RESIDENTIAL DEVELOPMENT, CAR SHOWROOMS, INFRASTRUCTURE (INCLUDING TRANSPORT AND SUSTAINABLE URBAN DRAINAGE SYSTEM, LANDSCAPING AND FORMATION OF CANAL BASIN/MARINA) (OUTLINE) AT LAND AT FALKIRK GATEWAY NORTH WEST OF FALKIRK STADIUM, GRANGEMOUTH ROAD, FALKIRK FOR MACDONALD ESTATES PLC - 06/0889/OUT

Meeting: PLANNING COMMITTEE

Date: 20 August 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Cecil Meiklejohn
Councillor Dr Craig R Martin

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

UPDATE REPORT FOLLOWING FURTHER CONSIDERATION

1. Members will recall that this application was originally considered at the meeting of the former Regulatory Committee on 28 March 2007 when it was agreed to grant planning permission subject to:
 - Notification of the application to Scottish Ministers by virtue of the then Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 (now amended by 2009 Direction).
 - The satisfactory completion of an Obligation under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) to require:
 - (i) The submission of a Travel Plan to incorporate the requirements of Falkirk Council as Roads Authority and the requirement of Transport Scotland in their consultation response dated 12 March 2007;

- (ii) A financial bond to be secured in the event that agreed mode share targets within the Travel Plan for Class 2 and Class 4 land uses are not achieved;
- (iii) A financial contribution of £800,000 for public transport provision, with agreed phasing of payments;
- (iv) A financial contribution of £300,000 for the provision of off-site cycleways in the vicinity of the site;
- (v) A 20% financial contribution, or contribution in kind, for the upgrading of junction 6 of the M9 motorway;
- (vi) A financial contribution of £100,000 of the Helix project.

And thereafter, on satisfactory conclusion of the above and other minor application administration measures, to remit to the Director of Development Services to grant planning permission subject to conditions. A copy of this report is attached at Appendix 1.

2. Following the conclusion of minor application administration issues the application was referred to Scottish Ministers on 31 July 2007. On 26 October 2007 Scottish Ministers confirmed that it was not their intention to intervene in the determination of the planning application and that Falkirk Council was authorised to deal with the application in the manner it thought fit.
3. Negotiation of the S75 Obligation and its requirements commenced in December 2007 and continued positively into 2008.
4. Towards the end of 2008 the recession took hold and there was a pause on completion of the S75 with uncertainty over the project viability. The applicant continued discussions with all development partners with the intention of finding ways to retain project viability.
5. In early to mid 2010 the applicant approached Falkirk Council with amended development proposals. Discussions took place but no firm revisions to the proposed development were submitted.
6. In March and April 2014, given that no further contact had been made, it was requested that the applicant withdraw the application. No response to these requests was received.

7. Recommendation

- 7.1 In view of the lack of progress with this application and the applicant neither completing the legal agreement nor withdrawing the application, it is recommended that the Committee refuse to grant planning permission for the follow reasons:**

- (1) That the requirements of the minded to grant planning permission recommendation made by Falkirk Council Regulatory Committee on 28 March 2007 have not been met by the applicant with respect to the conclusion of a S75 Planning Obligation to ensure**
 - (i) The submission of a Travel Plan to incorporate the requirements of Falkirk Council as Roads Authority and the requirements of Transport Scotland in their consultation response dated 12 March 2007;**

- (ii) A financial bond to be secured in the event that agreed mode share targets within the Travel Plan for Class 2 and Class 4 land uses are not achieved;
- (iii) A financial contribution of £800,000 for public transport provision, with agreed phasing of payments;
- (iv) A financial contribution of £300,000 for the provision of off-site cycleways in the vicinity of the site;
- (v) A 20% financial contribution, or contribution in kind, for the upgrading of junction 6 of the M9 motorway;
- (vi) A financial contribution of £100,000 to the Helix project.

Pp

.....
Director of Development Services

Date: 11 August 2014

LIST OF BACKGROUND PAPERS

1. As per 28 March 2007 Committee Report

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Planning Officer).

FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT COMPRISING CLASS 1 (RETAIL), CLASS 2 (FINANCIAL SERVICES), CLASS 3 (FOOD AND DRINK), CLASS 4 (BUSINESS USE), CLASS 7 (HOTELS), CLASS 10 (NON-RESIDENTIAL INSTITUTIONS), CLASS 11 (ASSEMBLY AND LEISURE), RESIDENTIAL DEVELOPMENT, CAR SHOWROOMS, INFRASTRUCTURE (INCLUDING TRANSPORT AND SUSTAINABLE URBAN DRAINAGE SYSTEM, LANDSCAPING AND FORMATION OF CANAL BASIN/MARINA) (OUTLINE) AT LAND AT FALKIRK GATEWAY NORTH WEST OF FALKIRK STADIUM, GRANGEMOUTH ROAD, FALKIRK FOR MACDONALD ESTATES PLC - 06/0889/OUT

Meeting: REGULATORY COMMITTEE

Date: 28 March 2007

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor David Alexander

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Allan Finlayson (Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application under consideration is for the mixed use development of retail (25,000 sq.m. gross), business, financial services, food and drink, leisure and residential uses at the Falkirk Gateway.
- 1.2 The Falkirk Gateway site occupies a significant 62 hectare site to the east of the existing Falkirk settlement area and comprises open grass land and existing industrial land.
- 1.3 The application site comprises land to the north and south of Grangemouth Road (A904) and to the west of the northern distributor road (A9). The masterplan accompanying this outline planning application indicates that leisure and hotel/conference facilities will be located on land to the south of Grangemouth Road with the remaining land uses located on land to the north of Grangemouth Road, stretching up to the Forth and Clyde Canal.

- 1.4 The application site has been defined as six zones each with a number of land uses with associated car parking and landscaping. Each zone is described in the following table.

Zone 1		Zone 4	
Site Area	111,809m ²	Site Area	52,230m ²
Retail	25,000m ²	Hotel/ Conference	18,000m ²
Number of cars	1,301*	Leisure	3,500m ²
		Number of cars	435*
Zone 2		Zone 5	
Site Area	59,086m ²	Site Area	42,371m ²
Offices	26,300m ²	Hotel	6,000m ²
Ancillary	250m ²	Retail	500m ²
Number of cars	757*	Leisure	3,500m ²
		Offices	2,900m ²
Zone 3		Residential	3,900m ²
Site Areas	65,832m ²	Number of cars	935*
Offices	25,000m ²		
Car Showrooms	5,000m ²	Zone 6	
Number of Cars	465*	Site Area	Included in Zone 1
		Restaurants	1,750m ²
		Leisure	1,750m ²
		Offices	500m ²
		Number of cars	Included in Zone 1

* Parking spaces as per Transport Assessment and not masterplan.

- 1.5 The planning application has been submitted with an accompanying masterplan. The masterplan consists of:-

- Summary Masterplan
- Design Guides
 - Zone 1 Retail Street/Commercial Court
 - Zone 2 Office Park and Gateway
 - Zone 3 Business Village and Car Showrooms
 - Zone 4 Hotel and Leisure
 - Zone 5 Mixed Use Marina
 - Zone 6 Green Corridor
- Landscape and Public Realm Strategy and Design Guide

- 1.6 A series of supporting documents have also been submitted. These are:-

- Economic Impact Assessment
- Retail Impact Assessment
- Environmental Appraisal Report
- Flood Risk Assessment
- Transport Assessment

- 1.7 An indicative site masterplan is appended to this report for reference.

2. SITE HISTORY

2.1 The following applications are relevant to the site:-

- F/96/0729 - erection of 8,495 sq.m. (gross) retail superstore, petrol filling station and business units (outline) - withdrawn 2 April 2001.
- F/99/0865 - Erection of car showroom and car sales area (outline) - refused 23 November 2001.
- F/97/0508 - Formation of access road and associated landscape works (detailed) - withdrawn 6 September 1999.
- F/94/1035 - Development of land for football stadium, office use, cinema, restaurants, 10 pin bowling stadium and associated sports facilities (outline) - withdrawn 14 November 1996.
- F/94/1036 - Erection of football stadium with ancillary business use and community facilities (detailed) - withdrawn 14 November 1996.
- F/2001/0618 - Erection of mixed use development comprising of business, retail, leisure and commercial uses (outline) - withdrawn 9 February 2004.

3. CONSULTATIONS

- 3.1 The Roads and Development Unit has no objections to the proposed development subject to matters relating to parking, road layout and design, visibility, drainage and flooding being addressed.
- 3.2 The Transport Planning Unit has no objections to the proposed development subject to matters relating to pedestrian crossing points, footpath/cycleway upgrading, mitigation works at junction 6 of the M9 motorway and associated financial contribution, traffic management improvements on the A904 Grangemouth Road, financial contributions (relating to public transport provision and cycling infrastructure), travel plan compliance and travel plan co-ordinator appointment being addressed.
- 3.3 The Environmental Protection Unit has no objections to the proposed development subject to conditions requiring the submission of a noise survey to ensure compatibility with surrounding existing uses and a ground contamination site investigation to establish the level, if any, of ground contamination and measures of decontamination if required.
- 3.4 Community Services has no objections to the proposed development subject to a condition requiring the undertaking of an archaeological investigation prior to commencement of works on site.
- 3.5 Scottish Water has no objections to the proposed development.
- 3.6 The Health and Safety Executive has no objections to the proposed development.

- 3.7 The Scottish Environment Protection Agency has not yet responded to the application. SEPA anticipate that at least an interim response will be available for the Regulatory Committee meeting.
- 3.8 Central Scotland Police has no objections to the proposed development.
- 3.9 Central Scotland Fire and Rescue Service has no objections to the proposed development but has provided comments relating to safe and effective access/egress for fire appliances.
- 3.10 Scottish Natural Heritage objects to the proposed development until such times as the presence or absence of badger and water vole activity has been confirmed and, if necessary, mitigated.
- 3.11 British Waterways has no objections to the proposed development. Comment is, however, provided in relation to adequacy of mooring provision and uncertainty over marina design.
- 3.12 Architecture and Design Scotland (A+DS) has provided comments and guidance on design matters. The comments provided express concerns relating to expanse of car parking and architectural style of the proposal. Although A and DS admire the clarity of the proposal and believe there are aspects of the design at the north end that could be successful, A and DS are unable to support the project as it stands. In particular A and DS considers that a high standard of design has not been achieved, and the proposal should be more ambitious and better integrated with its surroundings.
- 3.13 Transport Scotland has no objections to the application subject to conditions relating to floorspace limits, mitigation measures and financial contribution towards junction 6 improvements of the M9 motorway, travel plan compliance with incorporated mode share targets and car parking provision.
- 3.14 Falkirk and District Town Centre Management has no objections to the proposed development provided that retail restrictions are applied to the proposed development.
- 3.15 The application site lies adjacent to the Forth and Clyde Canal which is a scheduled ancient monument. A consultation response is awaited from Historic Scotland.

4. COMMUNITY COUNCIL

- 4.1 The Grahamston, Westfield and Middlefield Community Council has made no representation.

5. PUBLIC REPRESENTATION

- 5.1 Two objections and two representations have been submitted following neighbour notification procedures and public advertisement in the Falkirk Herald.
- 5.2 One objection from the Hugh Martin Partnership relates to concerns over an unsustainable level of office and business development proposed, flawed transport assessment and uncertainty over the impact on health and safety hazard zones.

- 5.3 The remaining objection from a member of the public questions the sustainability of the development, the predominantly car based approach and subsequent concerns over congestion and road safety. In addition concerns over health and safety hazard zones are raised.
- 5.4 Two representations have been made expressing concern and comment. of these, one is a reiteration of comments made by Central Scotland Fire and Rescue Service by the Fire Master of Falkirk Fire Station (see paragraph 3.9 above). The remaining representation is from a resident of Grangemouth Road expressing concern at the submitted layout, noise and light pollution, rubbish generation, appearance of the proposed buildings and an adverse impact on property value.
- 5.5 Scottish Power has also objected to the application as no approach has been made by the applicant to Scottish Power to protect or divert an existing 33Kv overhead line and a 11Kv underground cable.

6. DETAILED APPRAISAL

When determining planning applications, the status of the development plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

6a The Development Plan

Falkirk Council Structure Plan

- 6a.1 The Falkirk Council Structure Plan 1st Alteration was approved by Scottish Ministers on 29 January 2007. The following policies are relevant:-
- 6a.2 Policy ECON.1 ‘Strategic Development Opportunities’ states

“The Council will promote the following as strategic locations for major economic development:

Town Centres

- (1) *Falkirk Town Centre*
- (2) *Grangemouth Docks*

Gateways

- (3) *Middlefield / Westfield, Falkirk*
- (4) *Falkirk Canal Interchange*
- (5) *North Larbert / Glenbervie*
- (6) *Gilston, Polmont*

Urban Regeneration Areas

- (7) *Langlees / Bainsford, Falkirk*
- (7)(a) *Former Manuel Works, Whitecross*

Specialist Sites

(8) Grangemouth / Kinneil Kerse

Site boundaries will be defined or confirmed in Local Plans. The range of acceptable uses at each of these strategic sites is indicated in Schedule ECON.1.”

Schedule ECON.1 of the approved Structure Plan 1st Alteration increases the retail floorspace allocation approved at Middlefield/Westfield.

The site comprises the main part of the Westfield/Middlefield Strategic Development Opportunity which is promoted in Policy ECON. 1 as one of nine strategic locations for major economic development. Schedule ECON. 1 sets out the range of acceptable uses at Westfield/Middlefield, i.e. non-food retail (limited to bulky household goods and with a floorspace ceiling of 25,000 square metres gross), football stadium, leisure/tourism, office/industry/distribution, car showrooms, park & ride and freight terminal with rail access.

6a.3 The proposed development facilitates the aims of Policy ECON.1 in developing areas attractive to inward investment. The proposals are consistent with the menu of permitted uses specified in Schedule ECON. 1 with the exception of the small amount of residential development included.

6a.4 Policy ECON.2 ‘Strategic Development Opportunities - Development Criteria’ states:

“Development of the strategic development opportunities identified in Policy ECON.1 will be subject to the following conditions:

- (1) high standards of design will be required through a development brief and masterplan for each opportunity which will be approved by the Council and ensure a comprehensive and sensitive approach to site planning;*
- (2) provision must be made for walking, cycling and public transport infrastructure to allow a high level of access by transport modes other than the private car;*
- (3) the scale of any residential use must comply with the general housing allocations set out in Chapter 4 and adequate social and physical infrastructure must be in place to serve them;*
- (4) the scale and nature of out-of-centre retailing and leisure provision must be complementary to provision in Falkirk Town Centre and the District Centres. Accordingly, a Retail/Leisure Impact Assessment will be required to demonstrate this for all retail developments of 2,500 sq. m. gross floorspace or more, and for major commercial leisure developments. Assessment of smaller retail developments (between 1,000 and 2,500 sq.m. gross) may also be required in certain circumstances; and*
- (5) development at Grangemouth Docks must not prejudice the operation of the port. and should be compatible with the continuing activities of the petrochemical and chemical industries.”*

This policy sets out criteria for the development of the Strategic Development Opportunities, including high standards of design secured through a masterplan to be approved by the Council; provision for high level of access by transport modes other than private car; and appropriate scale and nature of any retail and leisure components with Retail/Leisure Impact Assessments required for larger developments.

6a.5 The proposed development incorporates a masterplan developed through pre-application discussions with Falkirk Council. The masterplan provides opportunity for sustainable transport to the site and creates links with surrounding existing developments and recreational opportunities. The submitted retail assessment demonstrates impacts on town centres are modest and that the development will significantly reduce leakage of retail expenditure from the Council area. It is demonstrated that the retail element of the proposal is complementary to existing town centre retail uses.

6a.6 Policy ECON.5 'Location of New Retail and Commercial Leisure Development' states:

"The scale of new retail development will be commensurate with maintaining the hierarchy of shopping centres shown in Schedule ECON 5 and enhancing them. Proposals for significant new retail and commercial leisure development should accord with the following principles:

- (1) non-food retailing will be directed to Falkirk Town Centre and the District Centres. In addition, provision will be made for bulky household goods retailing (up to 25,000 sq.m. gross), at the Middlefield/Westfield Strategic Development Opportunity, and for limited specialist retailing at the Falkirk Canal Interchange Strategic Development Opportunity, as set out in Schedule ECON.1 and subject to the criteria in Policy ECON.2;*
- (2) priority will be given to the provision of new food retail floorspace in Grangemouth, Larbert/Stenhousemuir, the Polmont area, Denny and Bonnybridge/Banknock, of a scale commensurate with the local catchment. New food retail floorspace will be directed to the District Centres and other established local centres, and only to new local centres where they meet the criteria set out in Policy ECON.6;*
- (3) new food retail floorspace in Falkirk Town Centre will be restricted to existing commitments, neighbourhood stores of less than 1,000 sq.m. gross floorspace, and limited extensions to existing stores; and*
- (4) commercial leisure developments will be directed to Falkirk Town Centre, the District Centres and those other Strategic Development Opportunities for which such uses are specified in Schedule ECON.1."*

This policy requires that the scale of new retail development be commensurate with maintaining the hierarchy of shopping centres shown in schedule ECON.5. Within schedule ECON.5, Middlefield/Westfield is identified as a 'retail park' centre. Significant new non-food retailing is to be directed to Falkirk Town Centre, the District Centres and the Middlefield/Westfield Strategic Development Opportunity (limited to 25,000 sq.m gross of retail space for bulky household goods). Significant new commercial leisure development is to be directed to Falkirk Town Centre, the District Centres and those Strategic Development Opportunities (such as Middlefield/Westfield) for which leisure uses are specified.

6a.7 The proposed development complies with Policy ECON.5 in terms of retail floorspace and type, and therefore with the hierarchy of shopping in Falkirk. The proposed leisure uses are consistent with the aims of Policy ECON.5.

6a.8 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/ Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

This policy supports the development of sustainable tourism development through the provision of an improved range and quality of attractions and supporting infrastructure. The canals are one of the key locations identified for development.

6a.9 The proposed development represents an opportunity for significant investment adjacent to the Forth and Clyde Canal. The proposed mix of land uses will encourage visits to these areas, and will do so through a considered approach to sustainable travel.

6a.10 Policy COM.5 'Developer Contributions' states:

"The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5."

This policy requires developers to meet the social and physical infrastructure needs of new development, and identifies the key areas where contributions may be required. In the case of this proposal, it is envisaged that there will be substantial transport infrastructure and environmental enhancements required.

6a.11 Policy ENV.7 ‘Quality of Development’ states:

- “(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*
- (2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements.”*

This policy requires the achievement of high standards of design in new development, and the submission of a design concept statement for developments with significant visual impact.

6a.12 The application under consideration is for outline planning permission. The submitted masterplan identifies sufficient evidence that consideration to high quality design has taken place. Amendments to the masterplan will further enhance the quality of development within the site and the applicants agreeable to this. Securing of these principles can be achieved by means of planning conditions and the assessment of subsequent detailed or reserved matters applications.

Falkirk Local Plan

6a.13 The Falkirk Local Plan is the relevant adopted Local Plan. An Alteration in September 2002 amended the provisions of the Local Plan in respect of Middlefield/Westfield to bring it into line with the 2002 Structure Plan. The Greenfield part of the site (i.e. excluding the part currently occupied by Forth Valley College) is covered by the following proposals/opportunities:-

- Opportunity BUS3 for business/industrial/motor retail use
- Opportunity RET4 for non-food retail development. Development is restricted to 10,000 sq.m, and a Section 75 Agreement is required restricting the goods to bulky household.
- Opportunity LT14 for commercial leisure and tourism development.

6a.14 All these proposals make reference to the need for a detailed masterplan which should accord with the general design principles contained in the Middlefield/Westfield Development Framework.

6a.15 The following general policies in the Falkirk Local Plan are relevant:-

6a.16 Policy FAL 3.1 ‘Design and Townscape’ states:

“New development will be required to achieve a high standard of design and amenity, and should contribute positively to the visual quality of the built environment. Proposals should accord with the following principles:

- (i) *the siting, layout and density of new development should create an attractive and coherent structure of spaces and built forms which integrates well with the pattern of the local townscape/ landscape, and fosters a sense of place;*
- (ii) *the design of new buildings should blend with that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iii) *building materials and finishes should be chosen to reflect those prevailing in, or traditional to, the local area;*
- (iv) *opportunities should be taken within the development to incorporate new public spaces, enhance existing ones or create other focal points;*
- (v) *existing buildings or natural features which contribute to the local townscape should be retained, where possible, and incorporated as an integral part of the design; and*
- (vi) *the contribution to the townscape of important landmarks, skylines and views should be respected.”*

6a.17 With amendments, the proposed development promotes a high standard of design and will significantly improve the visual quality of the existing eastern approach to Falkirk. It is considered that the proposal complies with this policy.

6a.18 Policy FAL 3.2 ‘Design and Landscaping’ states:

“Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) *respect the setting and character of the development site;*
- (ii) *retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/ verges, and scrub;*
- (iii) *incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) *make use of native tree and plant species;*
- (v) *incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) *demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas.”*

6a.19 Hard and soft landscape is proposed which will enhance the eastern approach to Falkirk and provide continuity with the proposed Helix project adjacent to the site. With amendments to the masterplan, it is considered that the proposal complies with this policy.

6a.20 Policy FAL 3.3 ‘Design and Accessibility’ states:

“Development proposals should incorporate, where appropriate, safe and attractive access for all users, particularly pedestrians, cyclists and public transport users. In particular, they should ensure:

- (i) *the provision and protection of pedestrian/ cycle routes through the site, linking into the wider strategic network of routes beyond, and particularly to public transport stops and community facilities; and*
- (ii) *the provision, as far as possible, of a barrier-free environment for those with access difficulties such as disabled persons and the elderly.”*

6a.21 Proposed pedestrian and gateway provision will enhance the existing arrangements and provide linkages to areas not currently served by these facilities. These enhancements provide new linkages to surrounding residential and commercial development. Links to the site, Falkirk Stadium and the Helix project area will be created from Falkirk Town Centre to the west, Callendar Park to the south and the Forth and Clyde Canal to the north. In addition, the proposed development provides a significant financial contribution to pedestrian/cycleway provision and public transport bus improvements to the site from surrounding areas.

6a.22 Policy FAL 3.4 'Design and Crime Prevention' states:

"Development proposals should create a safe and secure environment for all users, through the application of the general principles contained in the Planning Advice Note (PAN 46) on Planning and Crime Prevention. In particular:

- (i) buildings, public spaces, access routes and parking areas should benefit from a good level of natural surveillance and, where appropriate, should be covered by extensions to the Town Centre Closed Circuit Television System;*
- (ii) boundaries between public and private space should be clearly defined; and*
- (iii) access routes should be direct, clearly defined and well lit, with recognised points of entry."*

6a.23 Further assessment of these issues will be addressed at any detailed or reserved matters stage.

6a.24 Policy FAL 3.5 'Design and Energy Efficiency' states:

"The Council will encourage energy efficiency in the siting, layout and design of new development. Development proposals should take account, where possible, of local climatic factors, and opportunities for maximising passive solar gain and natural light, and minimising wind chill and exposure."

6a.25 The applicant has confirmed the intention to achieve sustainability in the proposed development. A sustainability framework is included in the design guide which has accompanied the application. This states that all developments at Falkirk Gateway will aim to meet BREEAM "excellent" ratings. Further information on the means of achieving these aims will however, be required, and can be covered by an appropriately worded condition.

6a.26 Policy FAL 3.10 'Public Art' states:

"The Council will encourage the provision of public art in the Local Plan Area both through its own initiatives and those of the private sector. Developers will be encouraged to adopt 'Percent for Art' schemes in respect of major commercial development schemes (excluding private housing)."

6a.27 This matter can be addressed by an appropriately worded condition requiring a public art strategy for the site to be included with the first reserved matters or detailed planning application.

6a.28 Policy FAL 4.2 'Falkirk Greenspace Initiative' states:

"The Council will support and assist the Falkirk Greenspace Initiative, and will oppose development which would prejudice its implementation. Accordingly:

- (i) *priority will be given to proposals for woodland planting and management, countryside recreation and access improvements, and the development of areas for nature conservation within the areas identified as Opportunities ENV 1 - 6 on the Policies, Proposals, and Opportunities Map;*
- (ii) *priority will be given the creation of a circular route through the Greenspace for pedestrians and cyclists, complemented by secondary routes where appropriate (see Opportunity TRA 5);*
- (iii) *developers will be expected to contribute to the Greenspace Initiative by providing tree planting and/or access improvements and creating wildlife habitats in association with new development in urban fringe locations; and*
- (iv) *initiatives to encourage community participation in the implementation of Greenspace projects will be supported.”*

6a.29 The proposed development provides the opportunity for consolidation and enhancements of the existing Greenspace Initiative through a contribution to the Helix project area. This matter can be covered as part of the Legal Agreement.

6a.30 Policy FAL 4.9 ‘Flooding’ states:

“In areas where there is a recognised risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating measures to mitigate the effects of flooding both within and outwith the site. “

6a.31 The submitted Flood Risk Assessment has been assessed as satisfactory, and appropriate mitigation measures will be in place to ensure there is no adverse flood impact affecting the site or as a consequence of the development of the site.

6a.32 Policy FAL 6.7 ‘Major Hazard Consultation Zones’ states:

“Within Major Hazard Consultation Zones, as identified on the Policies, Proposals and Opportunities Map, there will be a general presumption against development where future users or occupants would significantly add to the number of people exposed to the existing risks in the area.”

6a.33 The Health and Safety Executive has confirmed that it has no objections to the proposed development, in relation to its location within the established major hazard consultation zone.

6a.34 In terms of Policy FAL. 6.7, the site now lies predominantly within the outer zone of the consultation distance associated with the Kemfine plant in Grangemouth. HSE consultation according to PADHI procedures has established that the scale and nature of the development is acceptable.

6a.35 The principle of the development is well established in the development plan. The proposed scale of retail floorspace is acceptable in terms of the approved Structure Plan Alteration. However, the scale of the retail element of the proposal remains contrary to the adopted Falkirk Local Plan.

Accordingly, the proposal does not accord with the development plan.

6b *Material Considerations*

- 6b.1 The material considerations to be assessed are Scottish Executive Planning Policy Guidance, the Falkirk Council Local Plan Finalised Draft (Deposit Version), the submitted masterplan document, consultation responses and submitted representations.

Scottish Executive Planning Policy Guidance

- 6b.2 Scottish Government policies relating to planning and the assessment of development are established in Scottish Planning Policies (SPP's) and National Planning Policy Guidance (NPPG's). A summary of the relevant policies is listed below:
- 6b.3 SPP1 - The Planning System, establishes the general principles for the planning system and guides the role of development plans. The proposed development has established compliance with the approved Structure Plan but not the adopted Local Plan.
- 6b.4 SPP2 - Economic Development, seeks to encourage progressive and sustainable economic development. The proposed development has demonstrated that this can be achieved at the site.
- 6b.5 SPP8 - Town Centres and Retailing, expresses support for town centres and their importance in sustaining prosperous communities but also acknowledges the role that other commercial centres can play within a network clearly identified in the development plan. The current proposal is an example of such a centre, which can play a role that is complementary to Falkirk town centre.
- 6b.6 SPP17 - Planning and Transport, provides guidance on how development should meet sustainable transport objectives. The proposed development has demonstrated an awareness of these objectives and connectivity with the surrounding area and beyond in terms of sustainable transport modes such as public transport, walking and cycling. The proposal also complies with maximum parking standards were appropriate as defined by SPP17.
- 6b.7 NPPG14 - National Heritage, recognizes the protection and enhancement of natural heritage. The proposed development provides opportunities for the enhancement of the Forth and Clyde Canal in terms of increased use and visitor attraction whilst respecting the history of this feature and its existing setting.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 6b.8 The Falkirk Council Local Plan Finalised Draft was approved by the Council in March 2005, in conjunction with the submission of the Structure Plan Alteration to Scottish Ministers. An updated deposit version was approved by the Council in March 2007 and will be placed on deposit for objections in April 2007.

6b.9 The site is covered by the following site-specific policies/proposals/opportunities:-

- Proposal ED.FAL7 (Falkirk Gateway - Middlefield/Westfield) for leisure, non-food retail (bulky goods), business, industrial and motor retail development. Again reference is made to the Middlefield/Westfield Development Framework and to the need for a masterplan. The revised Structure Plan retail floorspace ceiling of 25,000 sq.m is referred to. Policy EP1 confirms that these are the site-specific components of the Middlefield/Westfield Strategic Development Opportunity (SDO).
- Policy FAL. 2 (Forth Valley College) which indicates that any land which is surplus to college requirements will be considered as part of the Falkirk Gateway, with a presumption in favour of uses specified for the Falkirk Gateway site.

6b.10 The following general policies are also relevant:-

- EQ1 Sustainable Design Principles
- EQ2 Implementation of Sustainable Design Principles
- EQ3 Townscape Design
- EQ4 Landscape Design
- EQ5 Design and Community Safety
- EQ6 Design and Energy Use
- EQ9 Public Art
- EQ21 Falkirk Greenspace
- EP6 Town Centre Hierarchy
- EP7 New Retail Development
- EP11 Motor Vehicle Showrooms
- EP14 Commercial Leisure Development
- EP15 Tourism Development
- EP17 Canals
- EP18 Major Hazards
- ST2 Pedestrian Travel and Cycling
- ST3 Bus Travel and New Development
- ST11 Sustainable Urban Drainage
- ST12 Flooding

6b.11 The above policies reflect the thrust of the corresponding policies in the extant Falkirk Local Plan, although greater emphasis is given to sustainable design.

Middlefield/Westfield Development Framework

- 6b.12 This document was approved by the Council in September 2000 to provide interim guidance on the masterplanning of the Falkirk Gateway area and to indicate the broad design principles to be followed. Although many aspects remain relevant, there are some factors which have emerged since 2000 which were not reflected in the Development Framework, notably the proposed increase in retail floorspace, the requirement for waterspace associated with the Forth and Clyde Canal, and the acceptance (subject to appropriate transport assessment) of an additional access point on to the orbital road (A9). Accordingly, aspects of the Development Framework have, to some extent, been superseded, and the document needs to be treated with caution, as matters have moved on since the document was produced. Nevertheless, basic principles agreed in 2000 are still of relevance such as the need to ensure high standards of design and landscaping.

Site Masterplan Assessment

- 6b.13 Considerable discussion has taken place on the appropriate form of design guidance which should be attached to the masterplan to guide the development through its various phases. The design guides as submitted improve on earlier drafts, although some aspects of the masterplan such as landscaping and overall design quality require further consideration. The masterplanning of the site has been subject to extensive consultation and discussions with the Council over the last two years. There are a number of positive features to be commended in the current proposals, notably the clear, logical structure to the layout, the emphasis given to the Grangemouth Road gateway, the addressing of the canal frontage and the provision of new waterspace, and the attempt to create a range of civic spaces.
- 6b.14 The mix of uses in the masterplan is consistent with the Structure Plan and with the adopted and emerging Local Plans, with the exception of the residential element and the amount of retail floorspace in relation to the adopted local plan. Residential use could, however, bring additional vitality to the area, particularly in the evenings, and the scale of houses indicated is not of strategic significance. However, the residential component as shown is isolated from other residential development, although is well related to the proposed marina. In terms of Structure Plan housing land requirements, there is no justification for further greenfield housing releases in Falkirk. The application is therefore contrary to relevant Structure and Local Plan policies in this regard.
- 6b.15 The scale of retail floorspace accords with the Structure Plan now that the increase in the floorspace threshold to 25,000 sq.m. has been confirmed through the approval of the Structure Plan Alteration. It should be noted that the application is contrary to the adopted Falkirk Local Plan which retains the old threshold of 10,000 sq.m., pending its replacement by the emerging Falkirk Council Local Plan.
- 6b.16 Neither the Structure Plan nor the Local Plan places any restrictions on the scale of the office, leisure and tourism uses.

Landscaping Assessment

6b.17 A great deal of consideration has been given to the landscape and public realm design criteria. Ironside Farrar, landscape architecture consultants acting on behalf of the applicant has submitted a Landscape and Public Realm Strategy to support the application. Whilst the principles set out in the strategy are commendable, the extent to which they are reflected in the masterplan, as submitted, is disappointing. It would appear that the landscaping has been limited to accommodate structures rather than incorporated as a fundamental requirements of the masterplan layout and design. As a result it is considered that insufficient space has been given over to landscaping in key areas. Particular areas of concern include:

- A lack of landscaping to break up the expanses of car parking which will dominate the site particularly when viewed from the elevated sections of the orbital road. The 'green fingers' within the commercial court need to be reconsidered in order that they properly break up the car parking into discrete areas.
- The roadside verge and planting has been constrained at the Westfield roundabout by the slip roads. The building footprints will therefore need to be moved back to allow the planting to continue around the corner.

6b.18 The use of water in the landscape design requires to be developed more fully to provide a more continuous feature linking the canal side waterspace through the Green Corridor to the pond in zone 4.

Retail Zone Assessment

6b.19 The design approach to the main block of retail units requires further consideration to provide distinctive character to this part of the development. The current format requires further consideration to give substantial built presence in relation to the significant car parking areas. The long unbroken run of units requires visual relief. Further exploration of appropriate external design for this zone is required to provide an improved elevational treatment.

Office Zone Assessment

6b.20 The architectural expression of the office blocks is of key importance in terms of setting the tone of the Grangemouth Road 'gateway'. The masterplan (as amended) will provide a context within which individual applications can be considered.

Marina Zone Assessment

6b.21 Whilst enclosure to the basin and a frontage to the canal have been achieved, the relationship with the rest of the development and external views will be dominated by the surrounding car parking areas. A stronger axial link with the Green Corridor/Commercial Court is required. The single storey unit jars against the four to five storey hotel building. Whilst residential uses could help the vitality and viability of the zone, the present configuration requires further consideration to improve integration of buildings. Further detailed consideration of the substantial level difference between the site and the canal is also required.

Waterspace Assessment

- 6b.22 The inclusion of an off-line mooring basin linked to the Forth and Clyde Canal is welcomed, and is in accordance with the Council's policy of encouraging canal side development to contribute to the recreational amenity and operational capacity of the canal network. The scale of the basin has been reduced from the initial drafts of the masterplan. Technical and cost aspects need to be clarified given the level differences involved to ensure that this positive aspect of the masterplan is not lost. A feasibility study into this issue will be required, and can be dealt with by an appropriately worded condition.

Pedestrian Movement Assessment

- 6b.23 Ease of pedestrian movement between the various parts of the development and adjacent areas is vital. The linkages across the orbital road, the Grangemouth Road, and the canal are the most critical ones which are catered for in the masterplan. At-grade crossing points of the main roads are indicated, but the nature of these needs to be confirmed and can be covered by an appropriately worded condition. Direct linkage from the canal towpath to the development requires to be provided.

Sustainable Design Assessment

- 6b.24 Information on sustainable design and construction has been included in the design guides, where it is noted that the development will aim for an 'excellent' BREEAM submitted rating. These sections are fairly general and further details are required to demonstrate how these aspirations will be converted into reality and enforced throughout the various phases. Further information will also be required detailing how sustainability factors have influenced the orientation of buildings and landscaping.

Public Art Assessment

- 6b.25 Opportunities for public art are referred to within the Landscape and Public Realm Strategy. There is no firm commitment within the masterplan to a public art strategy for the development, or an indication as to how public art would be procured or financed. This omission needs to be addressed, and can be dealt with by an appropriately worded condition.

Falkirk Greenspace/Ecopark/Helix Assessment

- 6b.26 There are clear overlaps between this application and the Helix project, not least with regard to road crossing points and SUDs treatment. There is a requirement for the development to provide a contribution towards Falkirk Greenspace (now part of the Helix project) established in the initial marketing brief for the site. This can be dealt with by the Legal Agreement.

Phasing Assessment

- 6b.27 The main 'gateway' elements on the Grangemouth Road do not appear until Phases 4 and 5 and the canal basin is not proposed until Phase 4. The Green Corridor is to be incorporated as part of Phase 1, with additional roadside planting proposed later. It is essential that structural roadside landscaping is to be implemented initially to raise the image of the development at an early stage, and this issue can be dealt with by an appropriately worded condition.

Retail Impact Assessment/Economic Impact Assessment

- 6b.28 The submitted reports have been subject of previous consultation. Both are now considered to be satisfactory.
- 6b.29 The general conclusion of the Retail Impact Assessment is that impacts on other centres will be modest, particularly when general growth in turnover is taken into account. The development will have the benefit of reducing expenditure leakage from the Falkirk Council area.

Environmental Appraisal

- 6b.30 There are no significant observations on this report and it is considered to be satisfactory.

Impact on The Forth and Clyde Canal

- 6b.31 The Forth and Clyde Canal is a Scheduled Ancient Monument and Historic Scotland has been consulted and a response is awaited. As this is an outline planning application it is not possible to be definitive about what impact the marina element of the proposal will have on the setting of the canal. However, it would be expected that any detailed proposal for this element of the overall site would be sensitively designed so as to complement the setting of the canal rather than distract from it. The applicant would require Ancient Monument Consent from Historic Scotland for any physical works to the canal.

Transport Issues

- 6b.32 The development will be a major trip generator. Provision for off-site infrastructure improvements, together with a Travel Plan will be of major importance in making the development acceptable. In particular, the approval of the Structure Plan Alteration has highlighted concerns over the impact on Junction 6 of the M9. Appropriate contributions to mitigation will be required by way of a legal agreement.

Consultation Responses

- 6b.33 The views and requirements of all consultees can be accommodated through the use of planning conditions and/or legal agreement. The outline status of the application allows for the submission of further information at reserved matters or detailed planning stage.
- 6b.34 Final consultation responses are still awaited from Historic Scotland, SEPA and SNH. In terms of the outstanding SNH response, the applicant is about to start badger and water vole surveys to determine their presence or otherwise within the site (with mitigation proposals as appropriate). These surveys will be forwarded to SNH for its consideration once completed.
- 6b.35 With reference to the concerns raised by Architecture and Design Scotland, a requirement that the submitted masterplan is amended to address key areas of design, landscaping and open space, setback from the Westfield roundabout and water features is included in the recommendation at the end of this report.

Public Representations

- 6b.36 In assessment of the submitted objections it is considered that the sustainability of proposed uses will be market assessed and that the submitted Transport Assessment is considered to be acceptable by the Transport Planning Unit. The submitted Transport Assessment proposes the implementation of a Travel Plan to reduce car use and the proposed development is considered acceptable, subject to conditions, by the Roads and Development Unit with regards to road safety. The Health and Safety Executive has confirmed that it has no objections with regard to the proposed development.
- 6b.37 Other concerns made are noted, however, the outline status of the application does not allow for detailed assessment of these concerns at this stage. Impact on property value is not a material planning consideration.

Conclusions

- 6c.1 The principle of the development is well-established in the development plan. The proposed scale of retail floorspace is acceptable in terms of the recently approved Structure Plan Alteration and is in accordance with the finalised local plan, although it is still contrary to the adopted local plan.
- 6c.2 There remain a number of issues within the masterplan which need to be addressed, as outlined above. These can be addressed by appropriate revisions to the masterplan documents and by appropriate conditions.
- 6c.3 Matters which need to be covered by conditions and/or Section 75 Agreement include the following:
- Requirement that the development conforms to the masterplan (and any amendment of the masterplan as appropriate). It is particularly important that the relevant infrastructure (transport, SUDs and landscaping) is implemented in conjunction with the appropriate phases.
 - Restrictions on retailing, including an overall ceiling on the amount of retail floorspace, restrictions on the type of goods that can be sold and size of retail units to ensure that the terms of the Structure Plan and finalised local plan are complied with.
 - Requirement to undertake BREEAM assessment and attain excellent rating for individual phases.
 - Requirement to provide appropriate crossing points across the A9, Grangemouth Road and the canal.
 - Requirement for the preparation and implementation of a Public Art Strategy.
 - Requirement for a contribution to the implementation of the Ecopark/Helix.
 - Requirement for contributions to off-site transport improvements, including cycleway provision, footpath links and public transport initiatives.

- Requirement for a Travel Plan.

- 6c.4 The application has been advertised in the press as a departure from the development plan. The advert is due to expire on 19 April 2007.
- 6c.5 It is therefore concluded that the application can be supported subject to an appropriate legal agreement being entered into by the applicant, subject to appropriate conditions, subject to there being no significant representations received as a consequence of the development plan departure advert, subject to the satisfactory conclusion of outstanding consultation responses and subject to the amendment to the masterplan.
- 6c.6 As the application is not in accordance with the adopted Local Plan, and as the Council has a financial interest in the site, the application requires to be notified to Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 (as amended).
- 6c.7 As the total amount of gross retail floorspace is more than 10,000 square metres, the application is also required to be notified to the Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 (as amended).
- 6c.8 The Ministers will then decide whether to allow the Planning Authority to proceed or whether to call in the application for their own determination.

7. RECOMMENDATION

It is therefore recommended that Committee indicates that it is minded to grant outline planning permission subject to:-

- (a) Further modification by the applicant to the masterplan for approval by the Director of Development Services to include the following:-**
- (i) Increase in area of landscaping within the retail car parking area;**
 - (ii) Further assessment of the design quality of the front elevations of the retail units;**
 - (iii) Further consideration of continuing the water feature within the landscape corridor from zone 4 to zone 6.**
 - (iv) Increase in the width of the landscaped area to the northwest of the A9/Grangemouth Road roundabout in zone 2.**
- (b) The conclusion of outstanding consultation responses from Historic Scotland, SEPA and SNH and any further conditions required as a result of these consultation responses.**
- (c) The outstanding press notice not attracting a significant body of objection.**
- (d) Notification of the application to the Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 (as amended).**

- (e) The satisfactory completion of an Agreement under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to require:-
 - (vii) The submission of a Travel Plan to incorporate the requirements of Falkirk Council as Roads Authority and the requirements of Transport Scotland in their consultation response dated 12 March 2007;
 - (viii) A financial bond to be secured in the event that agreed mode share targets within the Travel Plan for Class 2 and Class 4 land uses are not achieved;
 - (ix) A financial contribution of £800,000 for public transport provision, with agreed phasing of payments;
 - (x) A financial contribution of £300,000 for the provision of off-site cycleways in the vicinity of the site;
 - (xi) A 20% financial contribution, or contribution in kind, for the upgrading of junction 6 of the M9 motorway;
 - (xii) A financial contribution of £100,000 to the Helix project.
- (f) The conclusion of any non-material amendments, notifications or changes to the proposal required as a consequence of further consideration by the Director of Development Services.
- (g) And thereafter, on satisfactory conclusion of (a) to (e) above, to remit to the Director of Development Services to grant outline planning permission subject to the following conditions:-
 - (1) This permission is granted under the provisions of paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on an outline application and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby reserved before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site.
 - (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, in the case of the reserved matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of outline permission; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
- (a) the expiration of 5 years from the date of the grant of this outline planning permission; or
 - (b) the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) All reserved matters and detailed planning applications shall generally comply with the masterplan (as amended) including particular land uses within zone 1 to 6.
- (5) Prior to or in conjunction with the first reserved matters or detailed planning application related to the site, the following information shall be submitted for the prior written approval of the Planning Authority and thereafter implemented in accordance with a phasing timescale to be agreed in writing with this Planning Authority:-
- (i) Upgrading of the existing Westfield roundabout and the Etna Road roundabout.
 - (ii) Upgrading of the Grangemouth Road/Alexander Road junction and the Grangemouth Road/Middlefield Road junction.
 - (iii) Upgrading of Grangemouth Road east of Middlefield Road.
 - (iv) Upgrading of the Laurieston Link between the Westfield roundabout and the fire station roundabout.
 - (v) Three toucan crossings at locations on the A9 northern distribution road along the eastern edge of the site to facilitate pedestrian and cycle access to the Helix project site and the Westfield Stadium.
 - (vi) The existing footway along Grangemouth Road and adjacent to the site to be upgraded to a shared cycleway/footway along the full length of the development frontage. The existing footway on the southern edge of Grangemouth Road to be upgraded to a shared cycleway/footway and be extended from the Westfield roundabout to Alexander Avenue. The uncontrolled crossing island on Grangemouth Road to be upgraded to a shared toucan crossing. The eastern footway along Middlefield Road to be upgraded to a shared cycleway/footway from Grangemouth Road.
 - (vii) Traffic management measures for the junctions of Grangemouth Road and Randyford Street and Grangemouth Road and Woodford Avenue.
 - (viii) Traffic signals at the junction of Alexander Avenue and Grangemouth Road.
- (6) Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, Trunk Roads, Network Management Directorate, the gross floor area of the following land uses shall be limited to:-
- Class 1 retail (bulky goods) - 25,000 square metres in zone 1 and 500 square metres in zone 5.
 - Class 2 financial services and class 4 business use - 54,700 square metres.

- Class 7 hotel uses - 24,000 square metres.

In the case of retail floor area, no mezzanine floors will be incorporated into any retail units without the prior written approval of the Planning Authority.

- (7) Parking shall be provided at the following rates unless otherwise agreed in writing with this Planning Authority:-
- (a) For classes of development covered by Scottish Planning Policy 17 (SPP 17), parking shall be provided at the maximum rates specified:-
- (i) Class 1 (non-food retail) over 1000m². 1 space 20 sqm. of gross floor area plus 6 cycle spaces per 100 car parking spaces.
 - (ii) Class 4 (business) over 2500m². 1 space per 30 sqm. of gross floor area plus 1 cycle space per 8 car parking spaces.
 - (iii) Class 11 (leisure) over 1000m². 1 space per 22 sqm. of gross floor area plus 1 cycle space per 50 car parking spaces.
 - (iv) Class 11a (cinemas) over 1000m². 1 space per 5 seats plus 1 cycle space per 50 car parking spaces.
 - (v) Conference facilities over 1000m². 1 space per 5 seats plus 1 cycle space per 50 car parking spaces.
- (b) For classes of development not covered by SPP 17, parking shall be provided in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended. Guidelines as follows:-
- (i) Kiosks/cafes: 1 space per 2 seats in the dining area plus 1 cycle space per 25 car parking spaces.
 - (ii) Car showrooms: 3-5 spaces per 100m² of gross floor area including external display areas with the higher rate being required where servicing facilities are provided. These spaces require to be marked out as customer parking.
 - (iii) Hotels: 1 space per bedroom, 1 space per 3 members of staff plus 1 cycle space per 8 car parking spaces. If function rooms/conference facilities are to be provided additional parking facilities will be required. Provision for coach setting down/picking up will be required, particularly if function rooms or conference facilities are provided.
 - (iv) Public bars: 10-40 spaces per 100m² of public floor area, 1 space per 3 staff members plus 1 cycle space per 8 car parking spaces.
 - (v) Function rooms 20-40 spaces per 100m² of public floor area plus 1 cycle space per 8 car parking spaces.
 - (vi) Housing: 1 space for every dwelling with 1 or 2 bedrooms. 2 spaces for every dwelling with 3 or more bedrooms - these spaces shall be allocated to individual dwellings. 1 space for every four dwellings for use as visitor parking - these spaces should be spread evenly throughout the site. 1 cycle space per dwelling for flatted developments.
 - (vii) Marina: 1 space per berth plus 1 space per 3 staff members.

- (8) The road layout shall be designed and constructed in accordance with Falkirk Council's "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area", as amended. This will include road widths, junction spacing, visibility splays, footway provision and links etc. The roundabouts shall be designed in accordance with the Design Manual for Roads and Bridges. The internal road layout shall be traffic calmed.
- (9) The retail element of the proposal (apart from the retail element in zone 5) shall be limited to the sale of bulky goods and notwithstanding the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), any change in the type of goods to be sold shall be subject to a new application for planning permission.
- (10) Within any retail unit, the use of more than 10% of the net floor area for the sale of non-bulky goods shall not be permitted without the prior written approval of the Planning Authority.
- (11) All retail units shall have a minimum net floor area of 500 sqm.
- (12) Prior to or in conjunction with the first reserved matters or detailed planning application related to the site, details of all structural and boundary landscaping shall be submitted for the written approval of the Planning Authority. This shall include details of implementation timescales and management of the landscaping.
- (13) In conjunction with each reserved matters or detailed planning application submitted, an updated phasing plan for the development of the site shall be submitted to the Planning Authority for its written approval detailing car parking numbers and gross floor areas for the development to date.
- (14) No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- (15) Prior to any works commencing on site, the developer shall undertake a noise survey to determine the effect, with proposed mitigation measures, of the proposed development on residential properties in the vicinity of the site. The noise survey shall be conducted in terms of BS 4142, to include noise from retail units, leisure units, hotels, offices and shall be submitted to the Planning Authority for its written approval.

- (16) Prior to any works commencing on site, the developer shall undertake a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site. Where contamination is identified, development shall not begin until a scheme has been submitted to the Planning Authority for its written approval. The scheme shall contain details of proposals to deal with contamination to include:-
- (1) The nature, extent and type(s) of contamination on the site.
 - (2) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - (3) Measures to deal with contamination during construction works.
 - (4) Condition of the site on completion of decontamination measures.
 - (5) Details of a monitoring programme following site redemption.

Before any unit is occupied, the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (17) Prior to or in conjunction with the first reserved matters or detailed planning application, details of surface water drainage proposals for the site in accordance with the CIRIA Manual "Sustainable Urban Drainage System - Design Manual for Scotland and Northern Ireland" shall be submitted for the prior written approval of the Planning Authority. Thereafter, the surface water drainage proposals shall be implemented in accordance with the approved details.
- (18) No development shall commence on site until written evidence is submitted to the Planning Authority that Scottish Power overhead and underground electricity infrastructure has been protected or diverted to its satisfaction.
- (19) Each reserved matters or detailed planning application shall be accompanied by a sustainability statement for the written approval of the Planning Authority demonstrating the best use of sustainability principles for each unit.
- (20) Prior to or in conjunction with the first reserved matters or detailed planning application for the site, a public art strategy shall be submitted to the Planning Authority for its written approval. Thereafter the public art strategy shall be implemented during each phase of construction.
- (21) Prior to or in conjunction with the first reserved matters or detailed planning application or such other timescale as may be agreed in writing by this Planning Authority, details shall be submitted to the Planning Authority of the cost and technical issues associated with the development of zone 5 (marina).
- (22) The development of zone 5 (marina) shall include details of pedestrian linkages to the Forth and Clyde Canal footpaths
- (23) In conjunction with the submission of each reserved matters or detailed planning application a design code shall be submitted for the proposal demonstrating how it conforms to the overall design principles of the masterplan.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4,13) To ensure all phases of the development adhere to the masterplan (as amended).
- (5) To minimise interference with the safety and free flow of the traffic on the trunk road.
- (6-7) To ensure a satisfactory level of car parking within the site is achieved.
- (8) In the interests of road safety.
- (9-11) To protect the vitality and viability of other retail centres.
- (12,20) In the interests of the visual amenity of the area.
- (14) To ensure that any archaeological remains are safeguarded.
- (15) To safeguard the residential amenity of adjacent householders.
- (16) To ensure the site is capable of being developed.
- (17) To ensure that the site is adequately drained.
- (18) To ensure that Scottish Power electricity infrastructure within the site has been suitably protected or diverted.
- (19) To comply with the sustainability principles set out in the design guide which accompanies the outline planning application.
- (21) To ensure that this element of the overall development is capable of being implemented.
- (22) To ensure there are adequate pedestrian links to the Forth and Clyde Canal.
- (23) To ensure that each phase of the development complies with the design principles of the masterplan (as amended).

.....
for Director of Development Services

Date: 23 March 2007

LIST OF BACKGROUND PAPERS

1.

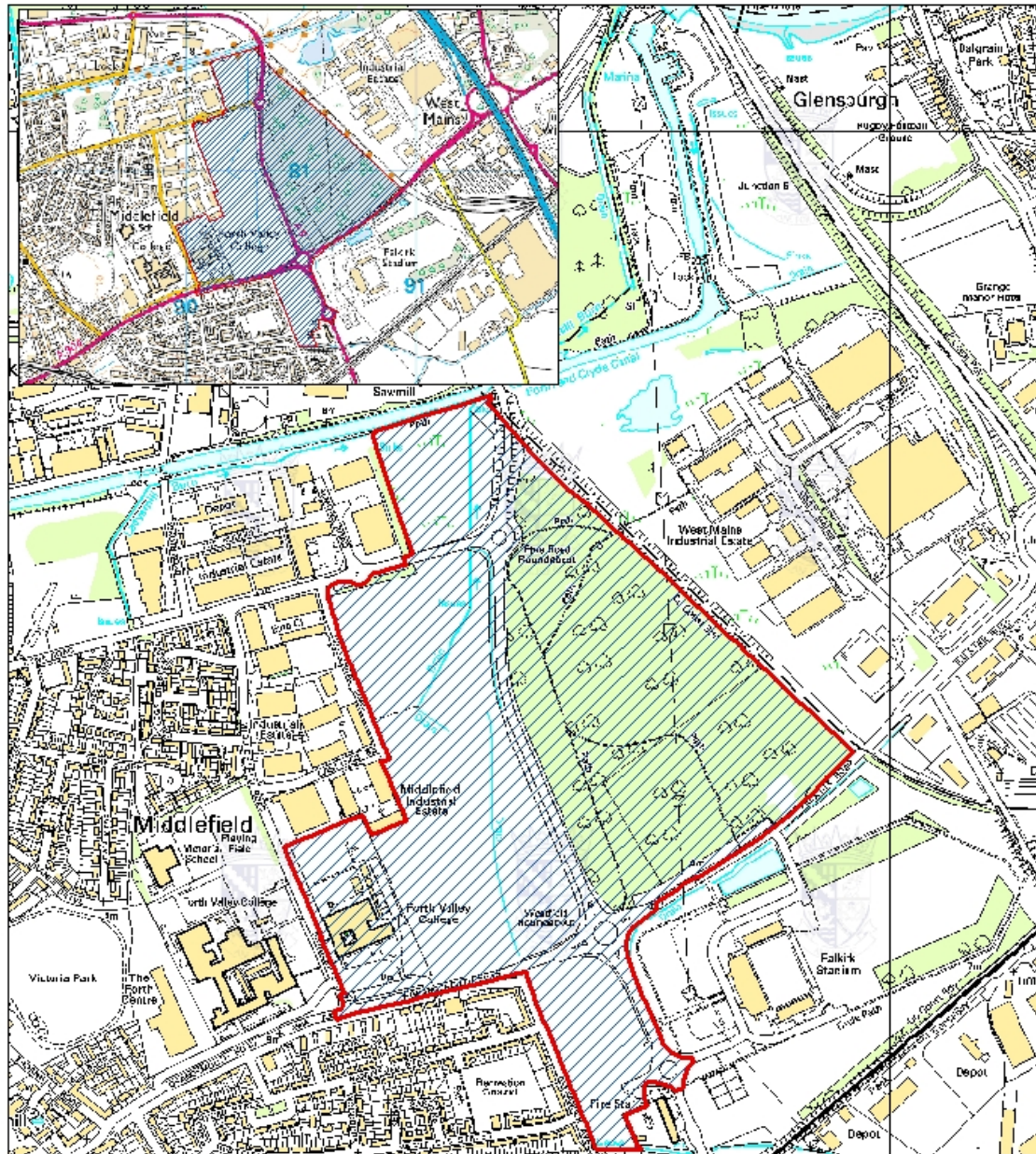
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Planning Officer).

Planning Committee

Planning Application Location Plan

06/0889/OUT

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2014. All rights reserved.
Ordnance Survey Licence number 100023384